

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	File No. EB-09-IH-1751
)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
)	Application File Nos.
Applicant for Modification of Various Authorizations)	0004030479, 0004144435,
in the Wireless Radio Services;)	0004193028, 0004193328,
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)	0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;)	0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP)	0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL)	0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET)	0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY)	0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND)	and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.; ATLAS)	
PIPELINE-MID CONTINENT, LLC; DENTON)	
COUNTY ELECTRIC COOPERATIVE, INC., DBA)	
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	
To: The Commission		
Chief Administrative Law Judge, Richard L. Sippel		

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

² Havens filed three versions of his Opposition. One was timely filed on May 25, 2011. The other two, including an "Errata to First Filing", were untimely filed on May 26, 2011. In an abundance of caution, MCLM will Reply to Havens' Errata to the First Filing and disregard his other attempts.

parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

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While Havens may be correct at his subpoint (2) and at his page 11 that Metrolink did not make a showing of need for Automated Maritime Telecommunications System (AMTS) spectrum, need is not an issue in Maritime licensing. One will search Part 80 of the Commission's Rules in vain for the word "need". Once the Commission has granted a geographic area license by auction to the highest bidder, there can be no reasonable question of the need of a buyer in the secondary spectrum market. That neither Metrolink nor the Federal Rail Administration showed any interest in Havens' spectrum proposal is irrelevant to any issue in the above-captioned matter.

At his subpoint (3), Havens asserted a "third hearing in the OSC" and complained that the Enforcement Bureau accepted information from other persons without disclosing that information to him. How such action could constitute a hearing is beyond MCLM's understanding.

Havens asserted at his subpoint (4) that "the Fourth Hearing is the WT Docket 11-838, noted above," Havens' Opposition at 6. The Commission may take administrative notice that there is no WT Docket 11-838. Havens speculated that there will be a fifth hearing, which he conjectured, with no supporting evidence, would be conducted other than in accord with law. MCLM will not join Havens in his speculation.

Havens appeared to complain at his pages 6-7 that he was prejudiced by the Commission's giving Metrolink and MCLM the opportunity to show why the MCLM

application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

Havens also claimed he was prejudiced by the Commission's "adamantly refus[ing] to provide" Havens a hearing, Havens Opposition at 7. Havens apparently has failed to understand that the above-captioned proceeding is for the purpose of considering the above-captioned pending applications which he has protested. Havens presented no authority for his claim that a hearing pursuant to Section 308 of the Communications Act of 1934, as amended, (the Act) must be preceded by a hearing under Section 309(d) of the Act. Havens was incorrect in his claim that the Commission could not consolidate multiple applications into a single hearing. As to MCLM's license application in Auction No. 61, Havens has already been heard and no further hearing is required.

From the bottom of its page 7 to midway in page 9, Havens' Opposition floated off into a tirade about a demonic conspiracy among the Commission; private utilities; Metrolink; PTC-220; unidentified other railroads; "some of the nation's largest private for-profit companies, one with Warren Buffet largely in ownership"; thieves of bicycles; UTC; "major commercial companies [which] need to hit up the tax payer and Congress for free anything"; and business entities which have the audacity to prefer economical communications. If MCLM understands Havens correctly, he believes that all of these entities conspire to prejudice his rights. MCLM suggests that Havens is not correct.

Beginning at Havens' page 10, it becomes unclear whether Havens was responding to MCLM's Showing or that of Metrolink. Although Havens complained that MCLM had referred to PTC "as if it were a technical standard at this time and as if SCRRA has adopted a technical standard," Havens' Opposition at un-numbered page 10, nothing in MCLM's Showing can be reasonably be read as suggesting that there was some kind of official technical standard for PTC. Nothing in MCLM's Showing can reasonably be read as suggesting that the Federal Government requires Metrolink directly or indirectly to obtain spectrum from MCLM. Contrary to Havens' claim, MCLM did not assert in its Showing that Metrolink "has the current financing, regulatory (non-FCC) or other essential steps assured or suitably progressed." MCLM is simply puzzled as to what Havens was reading, for it surely was not MCLM's Showing.

Havens was once again in error in suggesting at his page 12 that MCLM claimed that "the findings of the OSC are myths and inaccurate." The OSC (that is, the HDO) made no findings; the hearing is to make findings. MCLM in no way suggested that anything in the OSC was a myth.

Havens had no reasonable basis for his suggestion that either MCLM's Showing or that MCLM's notice of appearance should be considered "a lack of candor regarding its participation in the hearing," Havens' Opposition at 8. MCLM will participate insofar as there are issues which require its participation. If certain applications or issues are deleted from the hearing, then there will be no need for MCLM to participate as to those applications or issues.

At its pages 13-14, Havens's Opposition directed its attention to Metrolink rather than to MCLM's Showing. Accordingly, there is no need for MCLM to comment on any of Havens' material within those pages.

From the last paragraph on its page 15 through page 18, Havens rehearsed arguments he had made earlier concerning MCLM's applications. There is no need for MCLM to respond again in the instant matter, which is limited to MCLM's Showing Pursuant to Footnote 7.

Havens was in error at his page 24 in asserting that severing certain of MCLM's applications would be a violation of his Fifth Amendment right to property. Havens' right to the spectrum granted to MCLM in Auction No. 61 is, at best, a contingent right, wholly subject to the Commission's discretion as to how to deal with spectrum following a disqualification. Section 1.2109 of the Commission's Rules provides that in the event that the high bidder is disqualified, "the Commission may either re-auction the license(s) to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids," 47 C.F.R. §1.2109(b). Thus, there is no assurance that Havens will ever be offered the MCLM spectrum and, therefore, Havens has no property right to protect.

Havens was not correct in claiming at his page 24 that "the OSC effectively granted" his petition to deny MCLM's Auction No. 61 license application. The OSC granted nothing and MCLM's Auction No. 61 license application was not among those designated for hearing.

At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

Once again, for the second time in one week, Havens has inserted scandalous material into a pleading. At his page 26, Havens claimed that “MCLM was the right partner [for Metrolink] for this (it is criminal), and has a hot-bike sale price.” Further, he claimed that “this is an illegal laundry operation,” *id.* And yet again, Havens alleged that one could not lawfully sell “an asset it stole, as in MCLM case,” *id.* At the least, if not striking the entirety of Havens’ Opposition, the Commission should strike Havens’ page 26 and sanction Havens for inserting scandalous material in violation of 47 C.F.R. §1.52.

Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
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703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
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1666 K Street NW
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Washington, DC 20006

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LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
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703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
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Federal Communications Commission
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application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

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Havens was not correct in claiming at his page 24 that "the OSC effectively granted" his petition to deny MCLM's Auction No. 61 license application. The OSC granted nothing and MCLM's Auction No. 61 license application was not among those designated for hearing.

At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

Once again, for the second time in one week, Havens has inserted scandalous material into a pleading. At his page 26, Havens claimed that “MCLM was the right partner [for Metrolink] for this (it is criminal), and has a hot-bike sale price.” Further, he claimed that “this is an illegal laundry operation,” *id.* And yet again, Havens alleged that one could not lawfully sell “an asset it stole, as in MCLM case,” *id.* At the least, if not striking the entirety of Havens’ Opposition, the Commission should strike Havens’ page 26 and sanction Havens for inserting scandalous material in violation of 47 C.F.R. §1.52.

Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
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Nossman LLP
1666 K Street NW
Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)
) Application File Nos.
Applicant for Modification of Various Authorizations) 0004030479, 0004144435,
in the Wireless Radio Services;) 0004193028, 0004193328,
) 0004354053, 0004309872,
) 0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP) 0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL) 0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET) 0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND) and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)
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CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

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Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
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For Commission Consent to the Assignment of Various)
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Havens was not correct in claiming at his page 24 that "the OSC effectively granted" his petition to deny MCLM's Auction No. 61 license application. The OSC granted nothing and MCLM's Auction No. 61 license application was not among those designated for hearing.

At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

Once again, for the second time in one week, Havens has inserted scandalous material into a pleading. At his page 26, Havens claimed that “MCLM was the right partner [for Metrolink] for this (it is criminal), and has a hot-bike sale price.” Further, he claimed that “this is an illegal laundry operation,” *id.* And yet again, Havens alleged that one could not lawfully sell “an asset it stole, as in MCLM case,” *id.* At the least, if not striking the entirety of Havens’ Opposition, the Commission should strike Havens’ page 26 and sanction Havens for inserting scandalous material in violation of 47 C.F.R. §1.52.

Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

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703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
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1666 K Street NW
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)
) Application File Nos.
Applicant for Modification of Various Authorizations) 0004030479, 0004144435,
in the Wireless Radio Services;) 0004193028, 0004193328,
) 0004354053, 0004309872,
) 0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP) 0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL) 0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET) 0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND) and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)
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CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

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parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

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While Havens may be correct at his subpoint (2) and at his page 11 that Metrolink did not make a showing of need for Automated Maritime Telecommunications System (AMTS) spectrum, need is not an issue in Maritime licensing. One will search Part 80 of the Commission's Rules in vain for the word "need". Once the Commission has granted a geographic area license by auction to the highest bidder, there can be no reasonable question of the need of a buyer in the secondary spectrum market. That neither Metrolink nor the Federal Rail Administration showed any interest in Havens' spectrum proposal is irrelevant to any issue in the above-captioned matter.

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Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
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Warren C. Havens
2509 Stuart Street
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
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) File No. EB-09-IH-1751
) FRN: 0013587779
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For Commission Consent to the Assignment of Various)
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To: The Commission	
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Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

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Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)
) Application File Nos.
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in the Wireless Radio Services;) 0004193028, 0004193328,
) 0004354053, 0004309872,
) 0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP) 0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL) 0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET) 0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND) and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)
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CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

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parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

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At his subpoint (3), Havens asserted a "third hearing in the OSC" and complained that the Enforcement Bureau accepted information from other persons without disclosing that information to him. How such action could constitute a hearing is beyond MCLM's understanding.

Havens asserted at his subpoint (4) that "the Fourth Hearing is the WT Docket 11-838, noted above," Havens' Opposition at 6. The Commission may take administrative notice that there is no WT Docket 11-838. Havens speculated that there will be a fifth hearing, which he conjectured, with no supporting evidence, would be conducted other than in accord with law. MCLM will not join Havens in his speculation.

Havens appeared to complain at his pages 6-7 that he was prejudiced by the Commission's giving Metrolink and MCLM the opportunity to show why the MCLM

application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

Havens also claimed he was prejudiced by the Commission's "adamantly refus[ing] to provide" Havens a hearing, Havens Opposition at 7. Havens apparently has failed to understand that the above-captioned proceeding is for the purpose of considering the above-captioned pending applications which he has protested. Havens presented no authority for his claim that a hearing pursuant to Section 308 of the Communications Act of 1934, as amended, (the Act) must be preceded by a hearing under Section 309(d) of the Act. Havens was incorrect in his claim that the Commission could not consolidate multiple applications into a single hearing. As to MCLM's license application in Auction No. 61, Havens has already been heard and no further hearing is required.

From the bottom of its page 7 to midway in page 9, Havens' Opposition floated off into a tirade about a demonic conspiracy among the Commission; private utilities; Metrolink; PTC-220; unidentified other railroads; "some of the nation's largest private for-profit companies, one with Warren Buffet largely in ownership"; thieves of bicycles; UTC; "major commercial companies [which] need to hit up the tax payer and Congress for free anything"; and business entities which have the audacity to prefer economical communications. If MCLM understands Havens correctly, he believes that all of these entities conspire to prejudice his rights. MCLM suggests that Havens is not correct.

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MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
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703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

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Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W. - Room 4-C330
Washington, D.C. 20554

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Warren C. Havens
2509 Stuart Street
Berkeley, California 94705

Tamir Damari, Esquire
Nossman LLP
1666 K Street NW
Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
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) Application File Nos.
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in the Wireless Radio Services;) 0004193028, 0004193328,
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CALIFORNIA REGIONAL RAIL AUTHORITY)
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For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

² Havens filed three versions of his Opposition. One was timely filed on May 25, 2011. The other two, including an "Errata to First Filing", were untimely filed on May 26, 2011. In an abundance of caution, MCLM will Reply to Havens' Errata to the First Filing and disregard his other attempts.

parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

³ Havens is incorrect. The Commission has not yet held a hearing on the applications.

While Havens may be correct at his subpoint (2) and at his page 11 that Metrolink did not make a showing of need for Automated Maritime Telecommunications System (AMTS) spectrum, need is not an issue in Maritime licensing. One will search Part 80 of the Commission's Rules in vain for the word "need". Once the Commission has granted a geographic area license by auction to the highest bidder, there can be no reasonable question of the need of a buyer in the secondary spectrum market. That neither Metrolink nor the Federal Rail Administration showed any interest in Havens' spectrum proposal is irrelevant to any issue in the above-captioned matter.

At his subpoint (3), Havens asserted a "third hearing in the OSC" and complained that the Enforcement Bureau accepted information from other persons without disclosing that information to him. How such action could constitute a hearing is beyond MCLM's understanding.

Havens asserted at his subpoint (4) that "the Fourth Hearing is the WT Docket 11-838, noted above," Havens' Opposition at 6. The Commission may take administrative notice that there is no WT Docket 11-838. Havens speculated that there will be a fifth hearing, which he conjectured, with no supporting evidence, would be conducted other than in accord with law. MCLM will not join Havens in his speculation.

Havens appeared to complain at his pages 6-7 that he was prejudiced by the Commission's giving Metrolink and MCLM the opportunity to show why the MCLM

application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

Havens also claimed he was prejudiced by the Commission's "adamantly refus[ing] to provide" Havens a hearing, Havens Opposition at 7. Havens apparently has failed to understand that the above-captioned proceeding is for the purpose of considering the above-captioned pending applications which he has protested. Havens presented no authority for his claim that a hearing pursuant to Section 308 of the Communications Act of 1934, as amended, (the Act) must be preceded by a hearing under Section 309(d) of the Act. Havens was incorrect in his claim that the Commission could not consolidate multiple applications into a single hearing. As to MCLM's license application in Auction No. 61, Havens has already been heard and no further hearing is required.

From the bottom of its page 7 to midway in page 9, Havens' Opposition floated off into a tirade about a demonic conspiracy among the Commission; private utilities; Metrolink; PTC-220; unidentified other railroads; "some of the nation's largest private for-profit companies, one with Warren Buffet largely in ownership"; thieves of bicycles; UTC; "major commercial companies [which] need to hit up the tax payer and Congress for free anything"; and business entities which have the audacity to prefer economical communications. If MCLM understands Havens correctly, he believes that all of these entities conspire to prejudice his rights. MCLM suggests that Havens is not correct.

Beginning at Havens' page 10, it becomes unclear whether Havens was responding to MCLM's Showing or that of Metrolink. Although Havens complained that MCLM had referred to PTC "as if it were a technical standard at this time and as if SCRRA has adopted a technical standard," Havens' Opposition at un-numbered page 10, nothing in MCLM's Showing can be reasonably be read as suggesting that there was some kind of official technical standard for PTC. Nothing in MCLM's Showing can reasonably be read as suggesting that the Federal Government requires Metrolink directly or indirectly to obtain spectrum from MCLM. Contrary to Havens' claim, MCLM did not assert in its Showing that Metrolink "has the current financing, regulatory (non-FCC) or other essential steps assured or suitably progressed." MCLM is simply puzzled as to what Havens was reading, for it surely was not MCLM's Showing.

Havens was once again in error in suggesting at his page 12 that MCLM claimed that "the findings of the OSC are myths and inaccurate." The OSC (that is, the HDO) made no findings; the hearing is to make findings. MCLM in no way suggested that anything in the OSC was a myth.

Havens had no reasonable basis for his suggestion that either MCLM's Showing or that MCLM's notice of appearance should be considered "a lack of candor regarding its participation in the hearing," Havens' Opposition at 8. MCLM will participate insofar as there are issues which require its participation. If certain applications or issues are deleted from the hearing, then there will be no need for MCLM to participate as to those applications or issues.

At its pages 13-14, Havens's Opposition directed its attention to Metrolink rather than to MCLM's Showing. Accordingly, there is no need for MCLM to comment on any of Havens' material within those pages.

From the last paragraph on its page 15 through page 18, Havens rehearsed arguments he had made earlier concerning MCLM's applications. There is no need for MCLM to respond again in the instant matter, which is limited to MCLM's Showing Pursuant to Footnote 7.

Havens was in error at his page 24 in asserting that severing certain of MCLM's applications would be a violation of his Fifth Amendment right to property. Havens' right to the spectrum granted to MCLM in Auction No. 61 is, at best, a contingent right, wholly subject to the Commission's discretion as to how to deal with spectrum following a disqualification. Section 1.2109 of the Commission's Rules provides that in the event that the high bidder is disqualified, "the Commission may either re-auction the license(s) to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids," 47 C.F.R. §1.2109(b). Thus, there is no assurance that Havens will ever be offered the MCLM spectrum and, therefore, Havens has no property right to protect.

Havens was not correct in claiming at his page 24 that "the OSC effectively granted" his petition to deny MCLM's Auction No. 61 license application. The OSC granted nothing and MCLM's Auction No. 61 license application was not among those designated for hearing.

At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

Once again, for the second time in one week, Havens has inserted scandalous material into a pleading. At his page 26, Havens claimed that “MCLM was the right partner [for Metrolink] for this (it is criminal), and has a hot-bike sale price.” Further, he claimed that “this is an illegal laundry operation,” *id.* And yet again, Havens alleged that one could not lawfully sell “an asset it stole, as in MCLM case,” *id.* At the least, if not striking the entirety of Havens’ Opposition, the Commission should strike Havens’ page 26 and sanction Havens for inserting scandalous material in violation of 47 C.F.R. §1.52.

Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

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CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

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¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

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parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

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application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

Havens also claimed he was prejudiced by the Commission's "adamantly refus[ing] to provide" Havens a hearing, Havens Opposition at 7. Havens apparently has failed to understand that the above-captioned proceeding is for the purpose of considering the above-captioned pending applications which he has protested. Havens presented no authority for his claim that a hearing pursuant to Section 308 of the Communications Act of 1934, as amended, (the Act) must be preceded by a hearing under Section 309(d) of the Act. Havens was incorrect in his claim that the Commission could not consolidate multiple applications into a single hearing. As to MCLM's license application in Auction No. 61, Havens has already been heard and no further hearing is required.

From the bottom of its page 7 to midway in page 9, Havens' Opposition floated off into a tirade about a demonic conspiracy among the Commission; private utilities; Metrolink; PTC-220; unidentified other railroads; "some of the nation's largest private for-profit companies, one with Warren Buffet largely in ownership"; thieves of bicycles; UTC; "major commercial companies [which] need to hit up the tax payer and Congress for free anything"; and business entities which have the audacity to prefer economical communications. If MCLM understands Havens correctly, he believes that all of these entities conspire to prejudice his rights. MCLM suggests that Havens is not correct.

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Havens was once again in error in suggesting at his page 12 that MCLM claimed that "the findings of the OSC are myths and inaccurate." The OSC (that is, the HDO) made no findings; the hearing is to make findings. MCLM in no way suggested that anything in the OSC was a myth.

Havens had no reasonable basis for his suggestion that either MCLM's Showing or that MCLM's notice of appearance should be considered "a lack of candor regarding its participation in the hearing," Havens' Opposition at 8. MCLM will participate insofar as there are issues which require its participation. If certain applications or issues are deleted from the hearing, then there will be no need for MCLM to participate as to those applications or issues.

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Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
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Washington, DC 20554

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Investigations and Hearing Division
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Tamir Damari, Esquire
Nossman LLP
1666 K Street NW
Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	File No. EB-09-IH-1751
)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
)	Application File Nos.
Applicant for Modification of Various Authorizations)	0004030479, 0004144435,
in the Wireless Radio Services;)	0004193028, 0004193328,
)	0004354053, 0004309872,
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For Commission Consent to the Assignment of Various)	
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To: The Commission		
Chief Administrative Law Judge, Richard L. Sippel		

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Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
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Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
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For Commission Consent to the Assignment of Various)
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At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

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Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
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Tamir Damari, Esquire
Nossman LLP
1666 K Street NW
Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)
) Application File Nos.
Applicant for Modification of Various Authorizations) 0004030479, 0004144435,
in the Wireless Radio Services;) 0004193028, 0004193328,
) 0004354053, 0004309872,
) 0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP) 0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL) 0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET) 0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND) and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)
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CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

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Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
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2509 Stuart Street
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1666 K Street NW
Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
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For Commission Consent to the Assignment of Various)
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Havens was in error at his page 24 in asserting that severing certain of MCLM's applications would be a violation of his Fifth Amendment right to property. Havens' right to the spectrum granted to MCLM in Auction No. 61 is, at best, a contingent right, wholly subject to the Commission's discretion as to how to deal with spectrum following a disqualification. Section 1.2109 of the Commission's Rules provides that in the event that the high bidder is disqualified, "the Commission may either re-auction the license(s) to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids," 47 C.F.R. §1.2109(b). Thus, there is no assurance that Havens will ever be offered the MCLM spectrum and, therefore, Havens has no property right to protect.

Havens was not correct in claiming at his page 24 that "the OSC effectively granted" his petition to deny MCLM's Auction No. 61 license application. The OSC granted nothing and MCLM's Auction No. 61 license application was not among those designated for hearing.

At his page 25, Havens asked, “how the bleep [sic] can we participate in the OSC hearing when this information is withheld?” At his page 23, Havens stated that “in fact, we cannot proceed in the OSC without being prejudiced without the documents ahead of time.” If Havens believes that he cannot participate in the hearing, MCLM will not object if he withdraws his notice of appearance and requests to be released as a party.

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Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
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2509 Stuart Street
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1666 K Street NW
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)
Authorizations in the Wireless Radio Services)
) Application File Nos.
Applicant for Modification of Various Authorizations) 0004030479, 0004144435,
in the Wireless Radio Services;) 0004193028, 0004193328,
) 0004354053, 0004309872,
) 0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;) 0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP) 0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL) 0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET) 0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY) 0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND) and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)
LIGHT COMPANY; DIXIE ELECTRIC)
MEMBERSHIP CORPORATION, INC.; ATLAS)
PIPELINE-MID CONTINENT, LLC; DENTON)
COUNTY ELECTRIC COOPERATIVE, INC., DBA)
COSERV ELECTRIC; AND SOUTHERN)
CALIFORNIA REGIONAL RAIL AUTHORITY)
)
For Commission Consent to the Assignment of Various)
Authorizations in the Wireless Radio Services)
To: The Commission	
Chief Administrative Law Judge, Richard L. Sippel	

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

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parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

³ Havens is incorrect. The Commission has not yet held a hearing on the applications.

While Havens may be correct at his subpoint (2) and at his page 11 that Metrolink did not make a showing of need for Automated Maritime Telecommunications System (AMTS) spectrum, need is not an issue in Maritime licensing. One will search Part 80 of the Commission's Rules in vain for the word "need". Once the Commission has granted a geographic area license by auction to the highest bidder, there can be no reasonable question of the need of a buyer in the secondary spectrum market. That neither Metrolink nor the Federal Rail Administration showed any interest in Havens' spectrum proposal is irrelevant to any issue in the above-captioned matter.

At his subpoint (3), Havens asserted a "third hearing in the OSC" and complained that the Enforcement Bureau accepted information from other persons without disclosing that information to him. How such action could constitute a hearing is beyond MCLM's understanding.

Havens asserted at his subpoint (4) that "the Fourth Hearing is the WT Docket 11-838, noted above," Havens' Opposition at 6. The Commission may take administrative notice that there is no WT Docket 11-838. Havens speculated that there will be a fifth hearing, which he conjectured, with no supporting evidence, would be conducted other than in accord with law. MCLM will not join Havens in his speculation.

Havens appeared to complain at his pages 6-7 that he was prejudiced by the Commission's giving Metrolink and MCLM the opportunity to show why the MCLM

application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

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Conclusion

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Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
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Warren C. Havens
2509 Stuart Street
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Tamir Damari, Esquire
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Suite 500
Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	File No. EB-09-IH-1751
)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
)	Application File Nos.
Applicant for Modification of Various Authorizations)	0004030479, 0004144435,
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Applicant with ENCANA OIL AND GAS (USA), INC.;)	0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP)	0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL)	0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET)	0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY)	0004526264, 0004636537,
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For Commission Consent to the Assignment of Various)	
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To: The Commission		
Chief Administrative Law Judge, Richard L. Sippel		

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Conclusion

Havens failed to present a reasonable position as to why the Commission should not accept and act favorably on MCLM's Showing. The Commission should dismiss or deny Havens' Opposition and take such other action as it may deem appropriate.

Respectfully submitted,
MARITIME COMMUNICATIONS/
LAND MOBILE, LLC

/s/ Dennis C. Brown

8214 Cooke Court, Suite 201
Manassas, Virginia 20109-7406
703/365-9437

Dated: June 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this sixth day of June, 2011, I served a copy of the foregoing on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Office of Chief Administrative Law Judge
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Pamela A. Kane, Deputy Chief,
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
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1666 K Street NW
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Washington, DC 20006

/s/ Dennis C. Brown

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC)	EB Docket No. 11-71
)	File No. EB-09-IH-1751
)	FRN: 0013587779
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Authorizations in the Wireless Radio Services)	
)	Application File Nos.
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in the Wireless Radio Services;)	0004193028, 0004193328,
)	0004354053, 0004309872,
)	0004310060, 0004314903,
Applicant with ENCANA OIL AND GAS (USA), INC.;)	0004315013, 0004430505,
DUQUESNE LIGHT COMPANY; DCP)	0004417199, 0004419431,
MIDSTREAM, LP; JACKSON COUNTY RURAL)	0004422320, 0004422329,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET)	0004507921, 0004153701,
SOUND ENERGY, INC.; ENBRIDGE ENERGY)	0004526264, 0004636537,
COMPANY, INC.; INTERSTATE POWER AND)	and 0004604962
LIGHT COMPANY; WISCONSIN POWER AND)	
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COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	
To: The Commission		
Chief Administrative Law Judge, Richard L. Sippel		

REPLY TO OPPOSITION TO SHOWING TO FOOTNOTE 7

Maritime Communications/Land Mobile, LLC (MCLM), by its attorney, hereby replies to the Opposition to Showing to Footnote 7 filed in the above captioned matter¹ by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and V2G (collectively, Havens). In support of its position, MCLM shows the following.²

Havens' objection that MCLM and Southern California Regional Rail Authority (Metrolink) did not file their showings jointly was without merit. Footnote 7 to the Hearing Designation Order (HDO) in the above captioned matter did not require MCLM and Metrolink to file a joint showing. Havens demonstrated no harm to the Commission, any party to the proceeding, or the public from MCLM's and Metrolink's filing separate showings.

Havens failed to demonstrate an understanding of the relationship between the Commission and the administrative law judge (ALJ) in a hearing matter. At his un-numbered page 3, Havens appeared to believe that the Commission loses control of a proceeding when it designates the matter for hearing. Havens presented no authority for his proposition that the Commission loses the power to change, modify, add, or delete issues, or to add or delete

¹ Havens annexed application File Number 0002303355 to his caption. MCLM notes that application File No. 0002303355 is not one which the Commission designated for hearing.

² Havens filed three versions of his Opposition. One was timely filed on May 25, 2011. The other two, including an "Errata to First Filing", were untimely filed on May 26, 2011. In an abundance of caution, MCLM will Reply to Havens' Errata to the First Filing and disregard his other attempts.

parties, or to consider and dispose of preliminary showings by parties when it designates a matter for hearing.

Havens referred to no rule which requires a showing such as that made by MCLM's to be supported by an affidavit or declaration. Contrary to Havens' claim, MCLM's Showing was neither a motion nor an opposition to Havens' "motion to deny the application," Havens' Opposition at un-numbered page 3.

Havens did not refer to any Commission rule which would have required the legal counsel who signed MCLM's Showing to have filed a notice of appearance in the hearing. Although Rule Section 1.221, 47 C.F.R. §1.221, does require a party to file a notice of appearance, the rule does not require an attorney to file a personal notice of appearance.

MCLM can make no sense of Havens' Item II at un-numbered pages 5 through page 11 of his Opposition. Havens appears disturbed, that the Commission has held four hearings on MCLM's application for consent to assign spectrum to Metrolink.³ In his first subpoint under Item II, at un-numbered page 5, Havens argued that "the first hearing is a hearing on the subject Application: a hearing on this, due to the contest by Petitioners, but even without a contest, the FCC would have to consider the public interest involved (that involved a 1." MCLM cannot understand Havens' point, if any, and therefore cannot respond to it.

³ Havens is incorrect. The Commission has not yet held a hearing on the applications.

While Havens may be correct at his subpoint (2) and at his page 11 that Metrolink did not make a showing of need for Automated Maritime Telecommunications System (AMTS) spectrum, need is not an issue in Maritime licensing. One will search Part 80 of the Commission's Rules in vain for the word "need". Once the Commission has granted a geographic area license by auction to the highest bidder, there can be no reasonable question of the need of a buyer in the secondary spectrum market. That neither Metrolink nor the Federal Rail Administration showed any interest in Havens' spectrum proposal is irrelevant to any issue in the above-captioned matter.

At his subpoint (3), Havens asserted a "third hearing in the OSC" and complained that the Enforcement Bureau accepted information from other persons without disclosing that information to him. How such action could constitute a hearing is beyond MCLM's understanding.

Havens asserted at his subpoint (4) that "the Fourth Hearing is the WT Docket 11-838, noted above," Havens' Opposition at 6. The Commission may take administrative notice that there is no WT Docket 11-838. Havens speculated that there will be a fifth hearing, which he conjectured, with no supporting evidence, would be conducted other than in accord with law. MCLM will not join Havens in his speculation.

Havens appeared to complain at his pages 6-7 that he was prejudiced by the Commission's giving Metrolink and MCLM the opportunity to show why the MCLM

application should be severed from the hearing. Havens has not been prejudiced, he had and he took the opportunity to file oppositions to the parties' showings.

Havens also claimed he was prejudiced by the Commission's "adamantly refus[ing] to provide" Havens a hearing, Havens Opposition at 7. Havens apparently has failed to understand that the above-captioned proceeding is for the purpose of considering the above-captioned pending applications which he has protested. Havens presented no authority for his claim that a hearing pursuant to Section 308 of the Communications Act of 1934, as amended, (the Act) must be preceded by a hearing under Section 309(d) of the Act. Havens was incorrect in his claim that the Commission could not consolidate multiple applications into a single hearing. As to MCLM's license application in Auction No. 61, Havens has already been heard and no further hearing is required.

From the bottom of its page 7 to midway in page 9, Havens' Opposition floated off into a tirade about a demonic conspiracy among the Commission; private utilities; Metrolink; PTC-220; unidentified other railroads; "some of the nation's largest private for-profit companies, one with Warren Buffet largely in ownership"; thieves of bicycles; UTC; "major commercial companies [which] need to hit up the tax payer and Congress for free anything"; and business entities which have the audacity to prefer economical communications. If MCLM understands Havens correctly, he believes that all of these entities conspire to prejudice his rights. MCLM suggests that Havens is not correct.

Beginning at Havens' page 10, it becomes unclear whether Havens was responding to MCLM's Showing or that of Metrolink. Although Havens complained that MCLM had referred to PTC "as if it were a technical standard at this time and as if SCRRA has adopted a technical standard," Havens' Opposition at un-numbered page 10, nothing in MCLM's Showing can be reasonably be read as suggesting that there was some kind of official technical standard for PTC. Nothing in MCLM's Showing can reasonably be read as suggesting that the Federal Government requires Metrolink directly or indirectly to obtain spectrum from MCLM. Contrary to Havens' claim, MCLM did not assert in its Showing that Metrolink "has the current financing, regulatory (non-FCC) or other essential steps assured or suitably progressed." MCLM is simply puzzled as to what Havens was reading, for it surely was not MCLM's Showing.

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Havens had no reasonable basis for his suggestion that either MCLM's Showing or that MCLM's notice of appearance should be considered "a lack of candor regarding its participation in the hearing," Havens' Opposition at 8. MCLM will participate insofar as there are issues which require its participation. If certain applications or issues are deleted from the hearing, then there will be no need for MCLM to participate as to those applications or issues.

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LAND MOBILE, LLC

/s/ Dennis C. Brown

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Dated: June 6, 2011

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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MARITIME COMMUNICATIONS/LAND MOBILE, LLC) EB Docket No. 11-71
) File No. EB-09-IH-1751
) FRN: 0013587779
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For Commission Consent to the Assignment of Various)
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